

REMARKS / ARGUMENTS

Claims 1-6, 9-13, 32-39, 41-48, 62, 69-72 and 74-76 are pending. Claims 1, 32, 39, 62 and 69 are independent. Dependent claims 75 and 76 are new.

Claims 62, 69-72 and 74 were rejected as being anticipated by U.S. Patent No. 6,638,233 to Corvi et al. ("Corvi").

Claims 1-6, 9-13, 24-39, 41-48, 61, 62, 69-72 and 74 were provisionally rejected for obviousness-type double patenting as being unpatentable over claims 19-24 of copending Application No. 10/421979, claims 1-15 of copending Application No. 10/288581, claims 46-49 of copending Application No. 10/288559, and claims 1-11 of copending Application No. 10/288582. Applicant shall provide a suitable response to this provisional rejection in a subsequent response as necessary based on allowance of one or more of the claims in the applications identified above.

Discussion

Applicant submits that amended independent claim 62 is patentably distinguishable from Corvi since Corvi does not disclose or suggest providing a catheter having a rotating cutter and "means for rotating the cutter" and "advancing the catheter in a distal direction to move the rotating cutter through occlusive material in the body lumen while the rotating means rotates the cutter." Referring to Figs. 3 and 4 of Corvi, Corvi does not include rotating means which rotates the needle 74 while cutting through the occlusive material as claimed.

Applicant submits that amended independent claim 62 is also allowable over the device of Figs. 3 and 4 of Corvi since Corvi does not disclose or suggest providing a collection chamber "distal to the cutting window" and advancing the catheter in a distal direction with "the occlusive material cut by the rotating cutter being directed through the cutting window and into the collection chamber distal to the rotating cutter." Applicant

submits that material cut by the curved needle 74 of Corvi collects beneath the needle 74 rather than in a collection chamber distal to the needle as claimed. Applicant respectfully disagrees with the assertion in the Office Action that Corvi discloses or suggests that tissue cut by the needle 74 would direct tissue distal to the cutter as claimed.

Amended independent claim 69 is allowable over Corvi for essentially the same reason that claim 62 distinguishes over Corvi, namely, that Corvi does not disclose or suggest providing a catheter having a cutter and “means for rotating the cutter,” “rotating the cutter with the rotating means” and “advancing the debulking catheter in a distal direction after the exposing step and during the rotating step.” As discussed above, the needle 74 of Corvi does not include the claimed rotating means. Amended claim 69 is also allowable over Corvi since Corvi does not disclose or suggest that “material cut by the rotating cutter is directed through the opening and into the collection chamber distal to the rotating cutter as the catheter is advanced.” The tissue cut by needle 74 of Corvi is directed beneath the needle 74 rather than into a collection chamber positioned distal to the rotating cutting element as claimed.

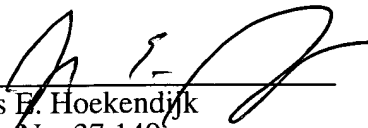
Dependent claims 70 and 72-74 are allowable since they depend from allowable independent claim 69 and because they recite independently patentable features. For example, dependent claim 74 recites that “the advancing step is carried out with the rotating cutter remaining in the exposed position so that the cutter and opening move together while cutting the material from the vascular location” which is not disclosed or suggested by the cited references.

CONCLUSION

Applicants believe the claims are now in condition for allowance and respectfully request an action to that end. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-412-3322.

Respectfully submitted,

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Date



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